

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 20, 2021

PRESENT

VIA TELECONFERENCE:

CARL J. RICHKO)	CHAIR
KURT ALSTED)	VICE CHAIR
MICHAEL FRANCIS)	COUNCIL MEMBERS
ROBERT HOLTAWAY)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
DAN VAN ABS)	
JAMES VISIOLI)	
RICHARD VOHDEN)	

ABSENT:

TIMOTHY P. DOUGHERTY)
MICHAEL R. DRESSLER)

CALL TO ORDER 182nd meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:01pm via Zoom videoconference due to COVID-19.

ROLL CALL

Roll call was taken. Members Dougherty and Dressler were absent. All other Council Members were present via videoconference. *The following staff members were present via videoconference: Lisa J. Plevin, Christine LaRocca, James Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Judy Thornton, Steve Simone, Jocelyn van den Akker, Herbert August, Annette Tagliareni, Carole Ann Dicton, Steve Simone, Karen Castanbas, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Senior Counsel, Governor’s Authorities Unit, and Jason Kane, Deputy Attorney General (DAG).*

OPEN PUBLIC MEETINGS ACT was then recited.

PLEDGE OF ALLEGIANCE was then recited.

CHAIRMAN’S REPORT

Chair Richko began his report by highlighting the first resolution on Council’s agenda - the Hunterdon County Petition for Plan Conformance. Chair Richko added that this Petition represents a significant milestone for the Highlands Council. Hunterdon County’s Petition is the first County Petition to come before the Council for approval that includes both Preservation and Planning Area lands. It is also the first to come before the Council since the amended Plan Conformance Procedures were adopted in 2019.

As highlighted in a recent news article, the Highlands Council’s working relationship with Hunterdon County has been strengthening in recent years as we’ve collaborated on a number of projects. The article

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specifically references a “collaborative vision” for the county, which is a very accurate description of our working relationship. Chair Richko thanked staff, especially Planning Manager Maryjude Haddock-Weiler, for all their efforts to bring us to this point. Chair Richko also added that our work with Hunterdon will help other counties and municipalities in the region see the benefits of collaborating with the Council.

Chair Richko announced some new appointments due to Rob Walton’s resignation which left some vacancies. The following Council members have graciously agreed to take on increased responsibilities:

- Bob Holtaway has agreed to serve as Chairman of the Highlands Development Credit (HDC) Bank Board.
- Dr. Dan Van Abs has agreed to join the HDC Bank Board, in order to serve as the second Highlands Council member on the Board, as required by the Bank bylaws.
- James Visioli has agreed to serve as chairman of the Audit Committee.
- Michael Francis has agreed to take on the chairmanship of the Landowner Equity and Land Preservation Committee.

Lastly, Chair Richko announced the resignation of Bank Board Director Andrew McElroy, due to a change in employment. Chair Richko thanked Andrew for his service of 9+ years on the board and wished him all the best.

EXECUTIVE DIRECTOR’S REPORT

Ms. Plevin highlighted the following updates and staff activities:

COVID-19 Response

Chester Office Closure/Remote Work

Ms. Plevin reported that staff continues to work remotely and are fully functional.

Plan Conformance Updates

Ms. Plevin reported, as Chairman Richko mentioned, the Hunterdon County petition for Plan Conformance is on the agenda today for Council consideration. Ms. Plevin echoed the Chairman’s comments about how pleased we are to have reached this important milestone and wanted to thank staff, especially Maryjude Haddock-Weiler for her leadership on this issue, and expressed appreciation to the County for their collaboration.

Stormwater Management Rutgers Project

Ms. Plevin reported that the Stormwater management project with Rutgers is winding down and they have prepared green infrastructure plans for all 24 municipalities for this project. Highlands Council staff will host a webinar on June 3rd designed to provide concrete ideas and guidance on how to move these projects forward toward implementation and provide technical and funding sources.

Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of the following municipally issued exemptions.

- Montville Township two (2) exemption #5s.
- Washington Township, Morris County issued one (1) exemption #2.

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- West Milford:
 - issued three (3) exemption #2s;
 - one (1) exemption #4; and
 - 13 exemption #5s.
- Hardyston Township, Sussex County:
 - one (1) exemption #1;
 - three (3) exemption #2s;
 - four (4) exemption #4s; and
 - 67 exemption #5s.

Project Review Updates

Ms. Plevin reported that Staff completed six (6) project reviews since her prior report.

Planning Area Consistency Review

In Holland Township, Hunterdon County, Holland Solar, LLC, was seeking municipal waivers related to construction of a solar array and point of interconnection. Highlands Council staff review found the project consistent with the Regional Master Plan (RMP) with conditions.

Preservation Area Exemption 9 Review (HAD Review)

In Tewksbury Township, Hunterdon County was seeking an Exemption 9 for a resurfacing and safety improvement project on County Route 517. Highlands Council staff review found the project consistent with the goals of the Highlands Act.

Preservation Area Exemption 11 Reviews (HAD Reviews)

- In Wanaque Borough, Passaic County, the North Jersey District Water Supply Commission is seeking an Exemption 11 for the installation of a floating solar array on Wanaque Reservoir to provide power for the Commission's headquarters and water filtration plant. Highlands Council staff review found the project consistent with conditions.
- Ringwood Borough, Passaic County, the Rockland Electric Company is seeking an Exemption 11 for the replacement of five (5) fire-damaged poles in the Borough. Highlands Council staff found the project consistent with conditions

Water Quality Management Plan Amendment Reviews

- In Harding Township, Morris County, KRE-Harding is seeking a site-specific amendment to the Northeast Water Quality Management Plan to accommodate development of 96 multi-family units, along with a community clubhouse, pool, children's playground and dog park. Highlands Council staff found the amendment consistent with the RMP with conditions.
- In Mine Hill, Morris County, Highlands Council staff reviewed an amended application from KRE for a site-specific amendment to the Northeast and Upper Raritan Water Quality Management Plans to accommodate a residential construction project. The project was initially reviewed and deemed consistent with conditions in October 2020. The applicant subsequently submitted revised project plans that negate the need for the previously determined conditions and staff found the amended plan consistent with the RMP.

Highlands Development Credit (HDC) Allocation Update

Staff have completed 2 HDC allocation reviews.

- In Bethlehem Township, Hunterdon County, a 5.68-acre non-residential property received a

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determination of 30.25 HDCs

- A property containing two parcels, one in Chester Township, Morris County and one in Washington Township, Morris County, totaling 33.79 acres residential, received a determination of 4.5 HDCs

Economic Sustainability Plan Update

Ms. Plevin announced that a contract modification to include a Youth Outreach component has been added to the Economic Sustainability Plan. This is a unique and interesting project because it seeks input from Highlands Region High School students about their priorities for a thriving, sustainable Highlands economy and specifically what would appeal to them in order to settle down and/or work in the Region.

Personnel Update

Council staff made an offer to a candidate for the Resource Management Specialist position and she has accepted with an expected start date of May 24, 2021.

The next Council Meeting is scheduled for June 17, 2021.

Chairman Richko asked Council members if they had any comments/questions regarding Ms. Plevin's Report.

There was no Council comment.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF APRIL 15, 2021

Chairman Richko asked for a motion on the Council Minutes of April 15, 2021.

Member Visioli made a motion to approve the Highlands Council Minutes of April 15, 2021. Member Holtaway seconded it.

A roll call vote was taken. The Highlands Council Minutes of April 15, 2021 were APPROVED 8-0.

PLAN CONFORMANCE COMMITTEE

Resolution – Approval of the Petition for Plan Conformance for County of Hunterdon

On behalf of Committee Chair Dressler, Chair Richko gave a report on the Plan Conformance Committee meeting. The Plan Conformance Committee met on May 10th to review Hunterdon's petition and voted unanimously to move this petition to the full Council. Chair Richko noted that Hunterdon County includes 15 Highlands municipalities, the majority of which are fully conforming with the Highlands Regional Master Plan (RMP). At this time, Chair Richko turned the meeting over to Planning Manager, Maryjude Haddock-Weiler, for a brief presentation about the petition.

Ms. Haddock-Weiler gave her presentation which may be found on the Council's website at the following link: www.nj.gov/njhighlands/about/calend/2021/may20/hunterdon_preso.pdf

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Chair Richko thanked Ms. Haddock-Weiler for her presentation and acknowledged some representatives from Hunterdon County who wished to comment. Chair Richko welcomed:

- Matt Holt, Hunterdon County Commissioner;
- Marc Saluk, Director of Economic Development; and
- Carrie Fellows, Director, Department of Planning and Land Use and Executive Director of Hunterdon County Culture & Heritage Commission

Comment

Mr. Saluk commented that he is very excited about the potential approval of the Petition for Plan Conformance for Hunterdon County. Mr. Saluk added that when his office was created, and he was hired in March 2016 - Highlands Council officials were among the first individuals he met in his new position. That first individual was Maryjude and it was immediately obvious to him that the Highlands Council as an organization has an extremely important mission, has great concern about economic viability within its territory, and is a great partner. Because of all these factors and the Highlands Council's dedication to the wellbeing of the area which it continually demonstrates, this office has always sought partnership. The Highlands Council has already proved to be an economic partner on a number of fronts with the 3-phase Tourism Study, the 78/22 Coalition, and currently the economic sustainability study being conducted by the Highlands Council. Mr. Saluk added that when companies are interested in a development project in Hunterdon County and need to meet with Highlands Council planners they, without exception, report having an excellent experience. Mr. Saluk concluded by saying the partnership has been incredible and hoped a positive vote means more collaboration for the future viability of the County and the region.

Member Sebetich was present via videoconference at 4:30pm.

Carrie Fellows commented that she is excited to work in partnership with the Highlands Council through the conformance process. Ms. Fellows remembers meeting with Highlands Council staff and consultants to outline the steps to petition for Plan Conformance that have brought us to this point. Ms. Fellows added that they are thrilled to be able to formally align the County's land use planning and municipal coordination goals to be consistent with the Highlands Council's priorities across all areas and planning activity. The County identified these priorities in the self-assessment report and implementation agenda and the Highlands Council's recommendation report includes historic preservation and other County priorities. Ms. Fellows commented that this collaborative opportunity will assist in undertaking these interdisciplinary planning tasks that will protect and preserve Hunterdon County's natural, historic, and cultural assets that make it a wonderful place to live and work. Ms. Fellows thanked Maryjude and staff and looks forward to accomplishing some of these goals and tasks.

Chair Richko thanked Mr. Saluk and Ms. Fellows for their comments.

Chair Richko asked for a motion on this resolution.

Member James made a motion. Member Van Abs seconded it.

Council Comment

Member Visioli applauded the synergy between the Highlands Council and Hunterdon County.

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Chair Richko agreed that this is very positive and hopes that other counties and municipalities learn that we want to work with them.

Member Van Abs commented that when he was on the staff of the New Jersey Water Supply Authority, he worked extensively in northern Hunterdon County and with the Hunterdon County planning staff and is very pleased to see the growth of this relationship over the last few years. Member Van Abs added it is a wonderful area of the Highlands, extremely important for water supply purposes, and looks forward to next steps.

Public Comment

Hank Klumpp, Tewksbury Township - Mr. Klumpp commented that this is great, but what about funding for land values in Hunterdon County? Mr. Klumpp stated that perhaps a committee can find funding to compensate the landowners for their lost property values.

Matt Holt, Hunterdon County Commissioner – Mr. Holt gave a historical perspective as he has been around for many years since the inception of the Highlands Act. As most people are aware, Hunterdon County was not necessarily a strong proponent of the Act. Over the past several years both the Highlands Council and Hunterdon County sat down to mutually find a direction moving forward which meets the needs, addresses the purpose and the direction and values that the Highlands Council represents with regard to water quality and how that applies to Hunterdon County's economy. He further commented that these two objectives do not need to be in opposition and can drive Hunterdon County further towards reaching its goals. Commissioner Holt added that we are much stronger working together. Commissioner Holt added that Hunterdon County Board of Commissioners is in support of our application and they look forward to a positive vote.

Chair Richko responded that he looks forward to working with the Hunterdon Commissioners on mutual goals.

David Shope, Lebanon Township – Mr. Shope asked the Council and Hunterdon County whether you have reviewed the data he asked former Chair Rilee to furnish to the public on the economic analysis and terms of agriculture based on the five-year census that is routinely done by the USDA which shows what farms earn per acre. Mr. Shope stated that Hunterdon County is being rewarded by taxpayers' money to fund their professionals.

Bill Kibler, Raritan Headwaters Association – Mr. Kibler thanked Hunterdon County and Highlands Council staff for making this happen. Hunterdon County is home to Round Valley and Spruce Run Reservoirs which are the largest and third largest drinking water reservoirs in the State of New Jersey, which makes Hunterdon County the most important county in the state. Raritan Headwaters is happy to support this resolution.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that this is a great day to have a county conforming not only for Preservation Area, but also for the Planning Area. Ms. Somers added that it is a great example for other counties which are facing development pressures. Ms. Somers emphasized working with the Office of Planning Advocacy (OPA) and the State Planning Commission

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(SPC) ensuring that conformance equals endorsement as you move forward and receive more funding. Ms. Somers welcomes this new relationship with the Council and Hunterdon County.

A roll call vote was taken. The resolution was APPROVED 9-0.

BUDGET & FINANCE COMMITTEE

Resolution – Approval of Plan Conformance Funding for Field Assessment and Engineering/Planting Design for Streambank Stabilization and Habitat Creation Measures Along the Section of the Musconetcong River Between Lake Hopatcong and Lake Musconetcong for Roxbury Township, Morris County

Committee Chair Holtaway reported that the Budget & Finance Committee met on May 6, 2021 via teleconference to discuss Roxbury Township's request for a grant in the amount of \$89,500 for the above Plan Conformance grant. Committee Chair Holtaway added that this grant has more matching entities than he has ever seen for a Highlands application which shows the importance of the project.

At this time, Keri Green, Science Manager, gave a presentation providing an overview of the project which included a site map of the preliminary planning of the Musconetcong River Streambank Stabilization project requested by Roxbury Township as part of a matching grant which the Lake Hopatcong Commission is seeking through the National Fish and Wildlife Federation (NFWF). The presentation may be found on the Council website at the following link:

www.nj.gov/njhighlands/about/calend/2021/may20/roxbury_preso.pdf

Council Comment

Member Sebetich asked who the major overseer is of the project. Ms. Green responded that the Lake Hopatcong Commission is overseeing the project.

Chair Richko thanked Ms. Green for her presentation and acknowledged some representatives from Roxbury Township who wished to comment. Chair Richko welcomed:

- John Shepherd, Roxbury Township Manager
- Colleen Lyons, Administrator, Lake Hopatcong Commission

John Shepherd commented that Roxbury Township supports this project as one of the many partners. Mr. Shepherd added that this project will benefit all the lake towns in the region.

Colleen Lyons thanked the Council for their consideration in funding this project and complimented Ms. Green on her presentation. She reiterated that this will be a benefit to the entire watershed and this is a project that will improve water quality and reduce some of the impacts of nutrient loading and sedimentation in Lake Hopatcong and below the dam.

Chair Richko thanked Mr. Shepherd and Ms. Lyons. Chair Richko added that this project is what the Highlands Council is all about; protecting water quality, and will help protect Lake Hopatcong.

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Chair Richko asked for a motion on this resolution.

Member Francis made a motion. Member James seconded it.

There was no Council discussion.

Public Comment

David Shope, Lebanon Township - Mr. Shope commented that the Musconetcong River is a wild and scenic waterway and suggests that the Lake Hopatcong and Lake Musconetcong dams should be removed as a more viable action than what is being proposed.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that Lake Hopatcong Commission is stepping up and Lake Musconetcong will benefit downstream from this particular project. It is equally important to work on water quality issues of Lake Hopatcong and Lake Musconetcong and as such is an important project to complete.

Bill Kibler, Raritan Headwaters Association – Mr. Kibler commented that several/many times in the past he had the opportunity to stand before the Council and remind members that the statutory mandate of the Highlands Act is to protect, restore, and enhance the quality and quantity of surface water and groundwater within the Highlands Region. Mr. Kibler added that it is an important step to improve water quality and Raritan Headwaters supports this resolution.

There was no Council comment.

A roll call vote was taken. The resolution was APPROVED 9-0.

OLD/NEW BUSINESS:

Member Vohden commented that over the last several months he continues to have concerns regarding the Transfer of Development Rights (TDR) Program. Member Vohden added that an RMP Amendment Committee meeting was held and that minutes were not on today's agenda. Member Vohden added that this is an important issue and that all Council members and the public should be aware. Member Vohden read an excerpt from an article by former Highlands Chief Counsel Andrew Davis in 2013. Member Vohden had a few questions:

- 1) How many grants were funded to 83 municipalities and how many had a positive response?
- 2) How many unprocessed applications are there for TDRs in the program and are there any funds to purchase these and are we accepting new applications?

Chair Richko responded that Member Vohden's questions may be asked at a Committee meeting. Member Vohden asked how this information can be provided so the full Council and the public are aware of what we are doing.

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Chief Counsel LaRocca commented that the RMP Amendment Committee minutes were circulated to the full Council and posted to the Council's website prior to the last Council meeting so we have been as transparent as we can be.

Member Visioli left the meeting at 5:12pm.

Member Vohden asked are we accepting any new applications for TDR (HDC) credits. Ms. Plevin responded that she believed the answer to be no. Mr. Humphries stated that we receive applications for Highlands Development Credit (HDC) Allocations but are not currently accepting applications for purchases. Member Vohden asked what can we do going forward to promote the TDR program. Member Vohden added one way would be to designate 4% of the Region as a "receiving zone," the goal established in the RMP.

Chair Richko responded that the Committee has discussed this many times and the answer is that 4% is simply a goal. We will continue to brainstorm about the TDR program, but there are no answers currently and we can continue to discuss in the RMP Amendment Committee meetings.

Member Vohden added that maybe we need to look to the legislature to compensate landowners for lost values. Member Vohden concluded that he is trying to solve this issue, not to create a problem.

Chairman Richko opened the meeting to the public for any other comments.

Public Comment

Colleen Lyons, Administrator, Lake Hopatcong Commission – Ms. Lyons thanked everyone for their support on the Roxbury Township grant request and continued support for the Lake Hopatcong Commission's initiatives. Ms. Lyons looks forward to implementing and improving water quality.

Hank Klumpp, Tewksbury, NJ - Mr. Klumpp followed up on Member Vohden's comment regarding the TDR Program. Mr. Klumpp added that it has been 16 years and landowners have never been compensated for anything and believes it is a flaw and the public should get involved and would like to be part of this discussion.

Bill Kibler, Raritan Headwaters Association – Mr. Kibler commented that the TDR Program is a transfer of development rights. It is not a blank check. The TDR Program is not simply money given to the landowner. It is a mechanism for compensating people for transferring their development rights. There are other programs in the State which are effectively used within the Highlands Region to purchase development rights or buy property outright from willing sellers. The TDR program serves a purpose and Mr. Kibler agrees it doesn't work as it should.

Carrie Fellows – Ms. Fellows thanked the Council and staff and for their support. She noted that Commissioner Holt just called and thanked the Council as well and is grateful for Highlands Council support and eager to get started.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented on Ms. Plevin's report regarding the webinar being offered in early June. Ms. Somers thinks it is great to make this happen for

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Highlands towns to assist with green infrastructure and funding. Ms. Somers added that she will share this webinar information to towns.

David Shope, Lebanon Township – Mr. Shope commented on the other programs available for compensating landowners and that land is ranked with these applications and many people do not make the cut.

Chair Richko asked for a motion to adjourn the meeting.

Member James made a motion to adjourn the meeting. Member Holtaway seconded it. All were in favor. The meeting was adjourned at 5:30pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 7/16/2021

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

Vote on the Approval of Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Dougherty			√			
Councilmember Dressler		√	√			
Councilmember Francis			√			
Councilmember Holtaway	√		√			
Councilmember James			√			
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Chairman Richko			√			